



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,447	02/23/2000	David Elworthy	1263.0899	3320

5514 7590 12/17/2004

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
----------

EDOUARD, PATRICK NESTOR

ART UNIT	PAPER NUMBER
----------	--------------

2654

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/511,447	ELWORTHY, DAVID	
	<b>Examiner</b>	<b>Art Unit</b>	
	Patrick N. Edouard	2654	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 23 is/are allowed.
- 6) ☐ Claim(s) 1,2,4-10 and 12-22 is/are rejected.
- 7) ☐ Claim(s) 3 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. This Office Action is in response to communication filed 07/20/2004 Claims 1-23 are pending.

***Allowable Subject Matter***

2. Claim 23 is allowed.
3. Claims 3 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-10 and 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortega et al (6,144,958).

As per claim 1, Ortega et al teach a search apparatus for searching for data in the form of units of a natural language, (figure 4) the apparatus comprising:

An interface means for receiving an input query in the form of a natural language and for outputting ... using reference data for said database to as to identify matched units...) (his process search query received from user );

A matching means for searching for and identifying any matches between the input ...) (Col. 8, lines 27-32);

A generating means for where there are unmatched units in the query or the data, generating context data in the form of one or more unmatched units of the query...having a predefined linguistic relationship to one of the or each matched units (col. 8, lines 39-63, the query server invokes its spelling correction to attempt to correct the non-matching terms. The term correction process by retrieving the related term list for each matching term from the correlation table. (Reads on predefined linguistic relationship).

It is noted that Ortega et al teach the claimed invention but does not explicitly teach forming means is adapted to form ..said matched units associated with respective said unmatched units having predefined linguistic relationship to respective matched units. However, Ortega et al teach at col. 8, lines 27-38, "Aappalatian" does not exist as a subject word in the bibliographic database 40. Therefore, one having ordinary skill in the art at the time the invention was made would recognize that the non-matching units have linguistic relationship with the matching units such subject/verb/object with the motivation of notifying to the user why certain units were unmatched since it would allow the user to make modifications to the query that would increase the likelihood that the query result will contain items that are of interest to the user.

As per claims 2, 4-6, Ortega et al teaches wherein said generating means is adapted to generate the ...modification relationship to the respective matches units (col. 8, lines 12-63, the

Art Unit: 2654

spell correlation retrieves the related terms list for each matching term from the correlation table).

As per claim 8, It is noted that Ortega et al teach the claimed invention but does not explicitly teach wherein said forming means is adapted to form output data as a layered hierarchical structure identifying sets of data by their context data. However, this feature is well known in the art. Therefore, one having ordinary skill in the art at the time the invention was made would have found it obvious to output the data as taught by Ortega as a hierarchical structure because it would allow a user to efficiently and intuitively identify a document (i.e. topic) as being a subtopic of a superior topic.

6. Claims 9-10 and 12-22 are the same in scope and content as claims 1-8 above and therefore are rejected under the same rationale.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231 or faxed to:

(703) 308-9051, (for formal communications intended for entry) Or:

(703) 305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT") Hand-delivered responses should be brought to Crystal Park 11, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Art Unit: 2654

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick N. Edouard whose telephone number is (703) 308-6725. The examiner can normally be reached on Tuesday-Friday from 07:30 a.m.-6:00 p.m.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645

The facsimile phone number for this Art Unit is (703) 872-9314. Alternatively, facsimile messages may be sent directly to (703) 305-9644 where they will be stored in the examiner's voice mailbox (telling the examiner that a fax was received) and be automatically printed (i.e. - no delay by the examiner).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Patrick N. Edouard

December 10, 2004



**PATRICK N. EDOUARD**  
**PRIMARY EXAMINER**